

Chapter 13.24

HOLLISTER MUNICIPAL AIRPORT USE AND OPERATION REGULATIONS

Sections:

- 13.24.010 Name, purpose and scope.
- 13.24.020 Authority for rules.
- see attached ordinance >* 13.24.030 Definitions.
- 13.24.040 Hours of operation.
- 13.24.050 Powers of manager.
- 13.24.060 Airport closure.
- 13.24.070 Aeronautical activities.
- 13.24.080 Locally based aircraft.
- 13.24.090 Indemnity.
- 13.24.100 Prohibitions.
- 13.24.110 Rates and charges.
- 13.24.120 Access to runways, taxiways or apron.
- 13.24.130 Fire regulations.
- 13.24.140 Technical codes.
- 13.24.150 Lost articles.
- 13.24.160 Smoking.
- 13.24.170 Pedestrians.
- 13.24.180 Disabled aircraft.
- 13.24.190 Damage to airport property.
- 13.24.200 Accident reports.
- 13.24.210 Taxiing or hovering of aircraft.
- 13.24.220 Applicable federal and state air traffic rules.
- 13.24.230 Takeoff and landing directions.
- 13.24.240 Helicopters.
- 13.24.250 Noise abatement.
- 13.24.260 Aircraft ground operations.
- 13.24.270 Fueling operations.
- 13.24.280 Ultra light aircraft.
- 13.24.290 Experimental flights.
- 13.24.300 Aircraft storage and parking.
- 13.24.310 Unattended aircraft.
- 13.24.320 Commercial operations.
- 13.24.330 Flight instructors.
- 13.24.340 Aircraft maintenance and repair.
- 13.24.350 Designated maintenance areas.
- 13.24.360 Trash.
- 13.24.370 Fire extinguishers.
- 13.24.380 Delinquent accounts.
- 13.24.390 Structural or decorative changes or additions.
- 13.24.400 Responsibility for damages.

- 13.24.410 Maintenance of leased areas.**
- 13.24.420 Operation of motorized ground vehicles.**
- 13.24.430 Motor vehicle speed limit.**
- 13.24.440 Motor vehicle parking and abandonment.**
- 13.24.450 Vehicular accidents.**
- 13.24.460 Motor vehicle towing.**
- 13.24.470 Designated travel areas.**
- 13.24.480 Motor vehicle regulations.**
- 13.24.490 Emergency or government vehicles.**
- 13.24.500 Hauling refuse.**
- 13.24.510 Fuel vehicles requirements and standards—Permit and insurance required.**
- 13.24.520 Starting aircraft in presence of fuel prohibited.**
- 13.24.530 Rules not exclusive—Responsibilities of fuel dealer.**
- 13.24.540 T-hangar and ramp area permit and insurance.**
- 13.24.550 T-hangar use.**
- 13.24.560 Assignment or abandonment.**
- 13.24.570 Parking and storage of vehicles.**
- 13.24.580 Alterations to hangars.**
- 13.24.590 T-hangar electrical system.**
- 13.24.600 Servicing of aircraft.**
- 13.24.610 Drip pans.**
- 13.24.620 Access to hangar for inspection.**
- 13.24.630 Engine start-up.**
- 13.24.640 Responsibility for hangar damage.**
- 13.24.650 Painting.**
- 13.24.660 Storage of flammable liquids.**
- 13.24.670 Unattended children.**
- 13.24.680 Rental rates.**

13.24.010 Name, purpose and scope.

This chapter shall be called the Hollister Airport rules and regulations ("rules"). It governs the use and operation of the Hollister Municipal Airport. The rules are intended to provide for reasonable, safe, economic and efficient use of the airport as a public transportation facility and as a base for aviation and aviation-related operations, and to protect the municipal environment from unwanted side-effects of inappropriate aviation uses. The rules shall govern all activities of persons, motor vehicles and aircraft at the airport. (Prior code § 2A-1)

13.24.020 Authority for rules.

The rules are adopted pursuant to the city's power as owner, operator and proprietor of the airport to regulate the use of the airport, consistent with the power of the United States Government to control air traffic and aircraft safety. The rules constitute an exercise of the city's police power over ground operations, motor vehicles, and other

matters not preempted by state or federal law. The rules are enacted to protect the health, safety, welfare and convenience of the general public using the Hollister Municipal Airport, or affected by activities related to the airport, by providing for the orderly conduct of activities on, or related to, the airport. It shall be the responsibility of every user of the Hollister Municipal Airport to be familiar with and obey the rules. A copy of the rules shall be posted at the airport. (Prior code § 2A-2)

13.24.030 Definitions.

The following definitions and meanings shall apply:

“City” means the city of Hollister, California.

“Airport” means the Hollister Municipal Airport.

“Airport operational area” means the area of the airport used for the landing, take-off, taxiing or parking of aircraft, to include the area in and around the hangars.

“City council” means the city council of the city of Hollister.

“Commission” means that body appointed by the city council to provide advice regarding airport and aviation matters.

“Commercial operator” means every business conducted at the airport, whether located on airport property or not, whose operation, in the judgment of the manager, reasonably requires that the runways, taxiways and ramps remain in good condition and operational.

“Commercial use” means use of the Hollister Municipal Airport for revenue-producing activities.

“Fixed base operator” means, but is not limited to, those persons who engage in the following activities commonly conducted at airports and considered aeronautical activities:

Air carriers, charter operations, pilot training, aircraft rental, sightseeing and aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, sale of aviation petroleum products (whether or not conducted in conjunction with other included activities), repair and maintenance of aircraft, sale of aircraft parts, and any other activities which, because of their direct relationship to the operation of an aircraft can appropriately be regarded as an aeronautical activity.

“Maintenance” means inspection, overhaul, repair, preservation and the replacement of parts, but excludes preventative maintenance.

“Manager” means the city manager of the city of Hollister, or his or her duly authorized representative.

“Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee or similar representative of any of them.

“Preventative maintenance” means that maintenance as defined by the current FARs.

“Traffic pattern” means the flow of air traffic that is prescribed for aircraft landing at, or taking off from, the airport. (Prior code § 2A-3)

13.24.040 Hours of operation.

The airport shall be open for public use at all hours of the day and night, subject to any restrictions imposed by the manager due to the conditions of the landing area, the presentation of special events, construction or repair activities, or other causes. (Prior code § 2A-4)

13.24.050 Powers of manager.

The city manager shall have the right, power and authority to enforce these rules and other laws, regulations, and orders relating to the use and occupancy of the airport. These powers include the following specific powers and duties:

A. To issue and enforce orders, laws and regulations pertaining to the use of the airport;

B. To delay or restrict any aircraft operation, subject to any limitations imposed by state or federal law, where there is reason to believe that a person or aircraft will violate or has violated the proprietary rights of the city, or that a violation of these rules is imminent, or that such action is necessary for the protection of the public health, safety or welfare;

C. To issue an order impounding any aircraft until charges for storage, supplies or services rendered to it by the city shall have been paid;

D. To restrict or suspend all flights or flying when by military need, emergency, public safety or other special circumstances. (Prior code § 2A-5)

13.24.060 Airport closure.

The manager is authorized to close the airport, or portions thereof, or suspend operations related to the landing, takeoff or taxiing of aircraft during any period in which the manager determines that such operations, or their continuance would be hazardous. Immediately following such action, the manager shall notify the FAA Flight Service Station that services the airport and shall also issue a notice to airmen (NOTAM) advising of the closure. (Prior code § 2A-6)

13.24.070 Aeronautical activities.

All aeronautical activities at the airport and all flying of aircraft departing from or arriving in the airspace above the airport shall be conducted in conformity with current Federal Aviation Regulations, Civil Aeronautics Board rules and regulations established under federal authority, and these rules. (Prior code § 2A-7)

13.24.080 Locally based aircraft.

Any person desiring to tie-down or base his or her aircraft at the airport shall register his or her aircraft at the manager's office or, in the absence of the manager, the designated representative that is charged with that responsibility, prior to beginning such storage or basing, and at any time that change in ownership occurs. The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user to obey all of the rules and regulations. (Prior code § 2A-8)

13.24.090 Indemnity.

The privilege of using the airport and its facilities is conditioned on the assumption of full responsibility and risk by the user thereof, and the user shall release, hold harmless and indemnify the city, members of the city council and boards and commissions, and officers and employees of the city from any liability or loss resulting from such use. Nothing in this chapter shall be deemed to impose any liability upon the city of Hollister or its officers or employees, or to create any private rights of action in any person, or to relieve any person using the airport from any duty or standard of care imposed by law. (Prior code § 2A-9)

13.24.100 Prohibitions.

No person shall:

A. Operate any aircraft in flight or on the ground in such a manner as to cause unnecessary noise as determined by applicable federal, state or local laws or regulations;

B. Enter any restricted area which is posted or closed to the public except persons duly authorized by the manager or public safety personnel;

C. Wilfully or knowingly permit any animal under that person's ownership or control to enter the airport unless the animal is leashed or restricted in such manner as to be under control, or is in a shipping container, or is otherwise under physical constraint;

D. Place, deposit or dump refuse of any kind, or discard any item in any location on the airport, except in containers plainly marked for such purposes. (Prior code § 2A-10)

13.24.110 Rates and charges.

The rates and charges for the use of land and facilities of the airport shall be those established from time to time by resolution of the council. (Prior code § 2A-13)

13.24.120 Access to runways, taxiways or apron.

No person shall enter upon any runway or taxiway or apron of the airport, except in an aircraft, without the express consent of the manager. (Prior code § 2A-14)

13.24.130 Fire regulations.

All orders emanating from the office of the city fire chief, or his or her authorized representatives, shall be complied with by any and all tenants and users of the airport. In addition to any other requirement imposed by law, all persons at the airport, or using or occupying the airport or any of its facilities, shall comply with the following specific fire regulations.

A. Every person shall use the utmost caution to prevent fire and shall not cause or maintain any condition constituting a fire hazard.

B. No aircraft shall be fueled or de-fueled while its engine is running or while in a hangar or other enclosed place. Fueling shall be done in such a manner and with such

equipment that adequate connections for the grounding of static electricity shall be maintained continuously during fueling operations. No smoking shall be permitted within fifty (50) feet of the point where fuel is removed from or discharged into any aircraft.

C. No cylinder or flask of compressed flammable gas shall be kept or stored except at such a place as may be designated by the fire department.

D. The cleaning of engines or other parts of aircraft shall not be carried on in any hangar except with nonflammable substances. If flammable liquids are to be employed for this purpose, the operation shall be carried on in the open air and a safe distance from other aircraft, or as approved in writing by the fire chief.

E. During business hours, hangar entrances shall be kept clear at all times to permit ready access to the building by emergency vehicles or personnel.

F. Floors of buildings shall be kept clean and free of oil, and no volatile or flammable solvent shall be used for cleaning floors.

G. No boxes, crates, rubbish, paper, empty cans or bottles, or other litter shall be permitted to accumulate in or about any hangar. (Prior code § 2A-15)

13.24.140 Technical codes.

All structures at the airport shall comply with applicable provisions of the uniform codes relating to technical and construction codes. (Prior code § 2A-16)

13.24.150 Lost articles.

Any person finding lost articles shall deposit them at the office of the manager. Articles unclaimed within sixty (60) days may be returned to the finders thereof. Articles not claimed or turned over to finders shall be turned over to the police department for disposal as unclaimed property. (Prior code § 2A-17)

13.24.160 Smoking.

No person shall smoke on the airport apron, or in any hangar or service station area, gasoline storage area, or in any building, room or place at the airport where smoking is specifically prohibited by the manager or by state or local law. No smoking shall be permitted within fifty (50) feet of any fuel carrier when not in motion or when it is being utilized for fueling or draining of fuel from aircraft. No smoking shall be permitted within fifty feet of any aircraft fuel tanks while the aircraft is being fueled or drained of fuel. (Prior code § 2A-18)

13.24.170 Pedestrians.

No pedestrian shall be upon any taxiway or landing area of the airport without first obtaining permission from the manager, with the exception of mechanics who are by necessity required to be on a taxiway or landing area to remove damaged aircraft. (Prior code § 2A-19)

13.24.180 Disabled aircraft.

All disabled aircraft and parts thereof on the airport operational area shall be promptly removed by the owner unless required or directed by the manager or authorized representatives of the Federal Aviation Administration to delay such action pending an investigation of an accident. If it is impossible for the owner to promptly remove the aircraft or part, airport personnel may remove same and the manager shall charge the owner for this service. If removal is required by airport personnel, the city, the airport and all personnel assisting in removal of the aircraft shall be held harmless for damage to the aircraft. (Prior code § 2A-20)

13.24.190 Damage to airport property.

Any and all airport property destroyed, injured or damaged by accident or negligence shall be promptly reported to the manager and any person causing such damage shall be fully responsible for any costs required to repair or replace the damaged property. (Prior code § 2A-21)

13.24.200 Accident reports.

Personnel involved in accidents on or within the bounds of the airport shall make a full written report thereof to the manager as soon after the accident as possible. (Prior code § 2A-22)

13.24.210 Taxiing or hovering of aircraft.

No person shall taxi or hover an aircraft until that person has ascertained that there will be no danger of collision with any person or object. No aircraft shall be taxied or hovered in a careless or reckless manner and aircraft shall be taxied at a safe speed. (Prior code § 2A-23)

13.24.220 Applicable federal and state air traffic rules.

Federal and state air traffic rules and regulations governing the operation of aircraft are adopted by reference and made a part of the air traffic and flight rules of the city. (Prior code § 2A-24)

13.24.230 Takeoff and landing directions.

Caution is mandated when deviating from basic landings and departures. Extreme caution is directed to the blind spots caused by airport buildings when taking off or landing on Runways 24 and 31. Runway 31 is the preferred no-wind runway. (Prior code § 2A-25)

13.24.240 Helicopters.

Operation of helicopters shall be conducted in such a manner as to preclude any damage by their downwash to other aircraft. When landing or departing, their flight path

shall be the shortest route to the airport operational area while avoiding parked aircraft. Helicopters shall not be flown over any parked aircraft at an altitude below two hundred (200) feet or as posted by the manager. Helicopters shall be flown and/or air taxied over runways and taxiways whenever possible. Helicopters will use a right traffic pattern at five hundred (500) feet. (Prior code § 2A-26)

13.24.250 Noise abatement.

Noise abatement policies, programs and procedures are dictated by good judgment and common sense coupled with the desire to provide as much noise relief as possible for airport neighbors. Noise abatement shall apply to all aircraft operations at the airport and is secondary only to considerations of safety in aviation. Posted local noise abatement procedures shall be adhered to, if applicable. (Prior code § 2A-27)

13.24.260 Aircraft ground operations.

The following regulations shall govern the operation of aircraft while on the ground at the airport:

A. No aircraft engine shall be started on any aircraft not equipped with adequate brakes fully set, unless the wheels have been chocked with blocks. No aircraft shall be started or run-up unless a competent operator is at the controls of the aircraft at all times.

B. The pre-flight run-up of engines shall be conducted only at points designated by the manager. No aircraft shall be operated above idle power or run-up unless it is in such position that the propeller or turbine blast will clear all buildings, all aircraft maneuvering areas, and all people in the observation areas.

C. No person shall run the engines or rotors of any aircraft at any location on the airport in such a manner as to cause damage to other aircraft or property, or in such a manner as to blow dust, dirt or other materials across runways or taxiways, or in such a manner as to endanger the safety and operation of the airport.

D. No person shall take any aircraft on, to or from the airport, or operate any such aircraft, while under the influence of, or while using, any intoxicating liquor or drug.

E. Wrecked or damaged aircraft shall promptly be removed from runways or taxiways by the aircraft owner or operator subject to the direction of the manager. (Prior code § 2A-28)

13.24.270 Fueling operations.

Aircraft fueling operations shall be conducted consistent with federal, state and local safety standards and regulations. The following additional provisions shall apply to the fueling of aircraft at the airport:

A. The right of a pilot to fuel his or her own aircraft at an area designated by the manager pursuant to federal law shall be respected.

B. The city council may by resolution establish a fuel flowage fee to be paid to the city by all persons dispensing fuel for aircraft use at the airport. (Prior code § 2A-29)

13.24.280 Ultra light aircraft.

All operations of ultra light aircraft at or from the airport shall be in compliance with Part 103 of the Federal Aviation Regulations. (Prior code § 2A-30)

13.24.290 Experimental flights.

No experimental certification test flights or ground demonstrations shall be conducted on or at the airport without the written permission of the manager, except registered experimental aircraft. (Prior code § 2A-31)

13.24.300 Aircraft storage and parking.

Aircraft shall only be stored or parked at places designated by the manager, and such storage or parking shall be at the sole risk of the owner or operator of the aircraft, and without any responsibility on the part of the airport, the city, or any of its officers or employees, for any loss of, or damage to, the aircraft while so stored or parked. The owner, operator or agent in charge of the aircraft shall be responsible for tying down and securing his or her aircraft. He or she shall be responsible for any liability arising from or caused by his or her aircraft or activities. Transient aircraft shall be parked only in that area designated by the manager. (Prior code § 2A-32)

13.24.310 Unattended aircraft.

No aircraft shall be left unattended on the airport unless properly secured or within a hangar. Owners of aircraft left so unattended shall be liable for damage to other aircraft or property resulting from the failure to adequately secure or tie down the aircraft. (Prior code § 2A-33)

13.24.320 Commercial operations.

A. No person shall use the airport, or any of its improvements or facilities, for any commercial activity, whether revenue-producing or not, without first complying with applicable provisions of this chapter and this code. The term "commercial activity" includes the carrying for hire of passengers, freight, express or mail, the sale of fuel and related products or services, the sale or lease of new or used aircraft, the sale of aircraft parts and supplies, flight or ground schools requiring a fixed base, aircraft rental, repair or maintenance, the sale or advertisement of goods and services of any kind, the sale of food and refreshments, agricultural operations, or any other activity for which a business license from the city is required.

B. No commercial activity shall be conducted on the airport without the operator thereof having a current lease or operating permit which has been approved by the city council, and a city business license. The lease or operating permit shall stipulate the location of activities and the services to be rendered.

C. It is unlawful for any person not so authorized by lease or operating permit or license to engage in any commercial activity at the airport. (Prior code § 2A-34)

13.24.330 Flight instructors.

No person shall hold himself or herself out as a flight instructor or give flight instruction except in compliance with the following requirements:

A. The instructor shall register with the manager, demonstrate that he or she has a valid and current flight instructor's certification from the Federal Aviation Administration, and purchase a city business license.

B. All persons instructing or checking out pilots in flying at the airport shall fully inform the pilots of the regulations in effect at the airport and shall be responsible for the conduct of such student pilots under their instruction. (Prior code § 2A-35)

13.24.340 Aircraft maintenance and repair.

No person shall hold himself or herself out as an aircraft mechanic or maintain or repair the aircraft of another person for consideration except in compliance with the following requirements:

A. The mechanic shall register with the manager, demonstrate that he or she has a valid and current certification from the Federal Aviation Administration, and except for employees of holders of commercial business licenses, obtain a business license from the city.

B. Repairs of aircraft in designated tie-down or storage areas shall be limited to maintenance and repairs that do not impede the flow of ground traffic in the area or interfere with access to aircraft or aircraft movement.

C. Aircraft parts, tools or supplies shall not be permitted to accumulate in designated aircraft parking or storage areas. Persons conducting maintenance or repair activities shall be responsible for the prompt cleanup of such areas and removal of any accumulated material. (Prior code § 2A-36)

13.24.350 Designated maintenance areas.

No aircraft or vehicle maintenance (other than that required to remove damaged aircraft from the runways or taxiways, or replace a flat tire) shall be performed on the airport except in areas specifically designated by the manager for that purpose, as posted. (Prior code § 2A-37)

13.24.360 Trash.

No person shall keep an uncovered trash container in any area of the airport. The area used for storage of garbage containers shall be kept clean at all times. (Prior code § 2A-38)

13.24.370 Fire extinguishers.

All building tenants and lessees shall supply and maintain on their leasehold adequate and readily accessible fire extinguishers as are approved by fire insurance underwriters

for the particular hazard involved and as may be deemed necessary by the city fire chief. (Prior code § 2A-39)

13.24.380 Delinquent accounts.

All airport billings are payable upon presentation unless otherwise noted thereon. Delinquent accounts at the airport are subject to the following penalties and procedures:

A. For the purpose of these rules and regulations, every airport tenant account shall become due and payable on the first calendar month during which the lease, permit, or instrument of tenancy became effective, and shall remain due and owing to the city together with all penalties thereon as herein prescribed, until paid in full, unless otherwise expressly provided by the terms of such lease, permit or instrument of tenancy.

B. For the purpose of these rules and regulations, any and all tenant accounts shall be classified as delinquent when not paid in full by the fifth day of the calendar month in which said account shall become due, unless otherwise expressly provided by the terms of the lease, permit or instrument creating such tenancy.

C. Tenant accounts delinquent for thirty (30) days, or on the fifth of the month succeeding the date the account initially became due, will be subject to the following:

A penalty of five percent of the sum will be added to the original amount due; a due bill will be prepared setting forth the sum of the basic account and designating the amount of the penalty, and will be sent to the delinquent tenant by registered mail accompanied by a letter of termination.

D. Upon termination of any lease, permit, agreement or instrument of tenancy by the foregoing procedure, the former tenant shall at once relinquish and vacate any and all premises of the airport and shall return any and all lands, buildings or properties to the control of the city, and the tenant shall have no further right, title, estate or interest in said airport.

E. The provisions of these rules and regulations shall in no way mitigate, modify or cancel any tenant indebtedness to the city and any delinquent account shall be subject to any and all methods of collection authorized by law.

F. Reinstatement of a lease, permit or instrument of tenancy terminated by the foregoing procedure may be accomplished only by complete payment of any and all indebtedness, including penalties, and by instituting a successful request for such consideration by the commission followed by favorable action by the city council. Reinstatement action described herein shall be subject to a fifty dollar (\$50.00) administrative charge payable by said applicant in advance.

G. The provisions relating to delinquent accounts shall be deemed a part of each and every lease, permit or instrument of tenancy issued to any tenant of any portion of the airport. (Prior code § 2A-40)

13.24.390 Structural or decorative changes or additions.

No tenant, lessee or grantee will be permitted to make structural or decorative changes or additions of any type without permission of the manager. (Prior code § 2A-41)

13.24.400 Responsibility for damages.

Tenants, lessees and grantees shall be fully responsible to the city for all damage to buildings, equipment, real property and appurtenances owned by the city and leased, loaned or controlled by said tenants, lessees and grantees, caused by negligence, abuse or carelessness on the part of their employees, agents, customers, visitors, suppliers or other persons with whom they do business. (Prior code § 2A-42)

13.24.410 Maintenance of leased areas.

Tenants shall maintain their leased areas in a satisfactory manner approved by the manager, and in accordance with their individual lease agreements. Failure to adhere to these provisions may be considered sufficient grounds for cancellation of the lease agreement in part or in whole by the city. (Prior code § 2A-43)

13.24.420 Operation of motorized ground vehicles.

No person shall operate any motor vehicle on the airport except in accordance with the provisions of these rules and the laws of the state of California for the control of such vehicles. The airport apron was designed for aircraft use and, for safety reasons, vehicular traffic must be kept to an absolute minimum. No person shall operate, drive or propel any motor vehicle on any landing area of the airport, or on the operational apron, without the permission of the manager. The privilege of this use may be revoked at any time. As used in this section, the term "motor vehicle" includes any vehicle other than an aircraft, including bicycles. (Prior code § 2A-44)

13.24.430 Motor vehicle speed limit.

No person shall operate a motor vehicle of any kind on the airport operational area in a reckless manner. The speed limit after entering or prior to leaving any portion of the airport apron or taxiway is a speed consistent with the variables of weather, conditions of the area being traversed, common sense and good judgment, but in no case greater than ten mph. All vehicles shall pass to the rear of taxiing aircraft. (Prior code § 2A-45)

13.24.440 Motor vehicle parking and abandonment.

No person shall park a motor vehicle on the airport other than in an area specifically established for parking and in the manner prescribed by the manager. No person shall abandon any vehicle on the airport. (Prior code § 2A-46)

13.24.450 Vehicular accidents.

All persons involved in a vehicular accident occurring on the airport shall make a full report thereof to the city police department as soon after the accident as possible. (Prior code § 2A-47)

13.24.460 Motor vehicle towing.

The manager shall have the authority to tow or move motor vehicles which are parked by their owner or operator on the airport in violation of these rules or in such a manner as to create a nuisance or hazard. The manager shall have the authority to charge the owner or operator of such vehicles for such towing or moving service, and the motor vehicle so towed or moved shall be subject to a lien for such charge. (Prior code § 2A-48)

13.24.470 Designated travel areas.

No person shall operate a motor vehicle on, upon or across any portion of the airport except along or upon roadways designated for travel by motor vehicles or those portions of the airport set aside by the manager for motor vehicle parking purposes. (Prior code § 2A-49)

13.24.480 Motor vehicle regulations.

The manager may place on the airport such stop signs and parking regulation signs as are deemed necessary. No person shall park any vehicle contrary to the directions on any parking sign or enter any intersection posted with a stop sign without first bringing his or her vehicle to a full stop within six feet of such intersection. (Prior code § 2A-50)

13.24.490 Emergency or government vehicles.

Vehicles driven on the airport for the purpose of making repairs and improvements to the airport or for wreckage removal, and governmental vehicles driven on the airport on official business, shall not be subject to Section 13.24.460, providing that the operators obtain permission to enter the landing area from the airport manager, conspicuously display an approved orange and white safety flag on the vehicles, and enter and leave the airport at established gateways. (Prior code § 2A-51)

13.24.500 Hauling refuse.

All vehicles hauling refuse or trash shall be covered. No vehicle used for hauling trash, dirt or any other materials shall be operated on the airport unless such vehicle is constructed so as to prevent its contents from dropping, sifting, leaking or otherwise escaping. Any person who spills any dirt or other materials from vehicles operated at the airport shall immediately clean up the spilled material. If cleanup cannot be accomplished in a reasonable manner, the operator must immediately notify the manager. (Prior code § 2A-52)

13.24.510 Fuel vehicles requirements and standards—Permit and insurance required.

A. All fuel vehicles on the airport shall meet the following requirements and standards:

1. All vehicles shall be properly signed (four sides) (flammable—1993).
2. All vehicles shall pay the established fuel flow fee at the time fuel is received, before off-loading.
3. All vehicles shall have a current hazardous material plan on file with the fire department and the manager.
4. All vehicles shall have grounding lines in working order and use during fueling and transferring operations.
5. A safety data sheet shall be in the fuel vehicle listing the type of fuel in the vehicle at all times.
6. An operable twenty (20) pound fire extinguisher must be provided by the aircraft fueler at the site when fueling aircraft or transferring fuel.
7. All fuel vehicles must meet minimum CHP safety standards for vehicle operation.
8. For commercial operators, if under fifty (50) gallons, only subsections (A)(2), (4) and (6) of this section will apply. For noncommercial users, only subsections (A)(4) and (6) of this section will apply.

B. A permit showing compliance with the above standards must be issued and posted on the fuel vehicle before any fuel is dispensed.

C. All operators of fuel vehicles must have insurance that covers the city for the operation of a fuel truck on the airport (including fuel spills), in such amounts as may be required by the manager. (Prior code §§ 2A-53, 2A-54, 2A-55)

13.24.520 Starting aircraft in presence of fuel prohibited.

No person shall start the engine of any aircraft when there is fuel on the ground under such aircraft. (Prior code § 2A-56)

13.24.530 Rules not exclusive—Responsibilities of fuel dealer.

These rules do not replace additional good fueling practices and do not limit the procedures for safe fueling operations. Each authorized fuel dealer is responsible for the safety maintenance of its equipment. Each dealer is also responsible for good, safe servicing practices of its refueling personnel. The fuel dealer is required to provide good, courteous, safe fueling and line service to all aircraft operating from the airport. (Prior code § 2A-57)

13.24.540 T-hangar and ramp area permit and insurance.

No person shall occupy or use any T-hangar or ramp area at the airport without having first completed and signed a rental permit form and submitted proof of adequate insurance. (Prior code § 2A-58)

13.24.550 T-hangar use.

T-hangars are designed specifically for the storage of aircraft. No person shall be permitted to use or become a tenant of T-hangars for parking or storage of miscellaneous vehicles or materials unrelated to aviation as long as there are applicants for rental of the facilities for aviation purposes. Any authorized tenancy for other than aviation use shall be considered temporary and shall be subject to cancellation by the manager upon thirty (30) days' written notice. (Prior code § 2A-59)

13.24.560 Assignment or abandonment.

T-hangar and ramp area facilities may not be transferred or sublet to a third party for any purpose without the prior written approval of the manager. A tenant relinquishing control over his or her aircraft with the intent to replace it may retain his or her hangar for ninety (90) days, subject to timely payment of rent. After ninety (90) days, the hangar shall be deemed vacated and the manager shall make the hangar available to the next person on the hangar roster. (Prior code § 2A-60)

13.24.570 Parking and storage of vehicles.

T-hangar and ramp area facilities shall not be used for temporary storage of vehicles other than those of the hangar tenant, and only then when the tenant is using his or her aircraft on trips or during other absence of such aircraft from the hangar. Outside tie-down tenants may park their personal vehicles off the ramp in areas as near as possible to their aircraft parking spot, as designated by the manager, while absent on aircraft trips or flights. No vehicle may be parked in or around the paved surfaces of the T-hangar or ramp area unless the owner of said vehicle is in constant and adjacent attendance. (Prior code § 2A-61)

13.24.580 Alterations to hangars.

No modifications, installations, systems or other improvements or attachments shall be made or attached to the hangar structure in any way without the prior written approval of the manager. No pulleys, slings or other lifting devices shall be attached at any time to the building frame, supports or other structural member of the hangar for the purpose of engine removal, aircraft support or suspension of weight. (Prior code § 2A-62)

13.24.590 T-hangar electrical system.

No power tools (other than hand-held polishers, wrenches or drills) or electric motors of greater than five-eighths horsepower, may be used or connected to the electrical system of the T-hangar at any time. No extensions to the lighting system, other than a single plug power unit extension or single lamp extension cord, may be plugged into either the overhead lamp socket or wall plug at any time, and at no time shall electrical heaters be plugged into or attached to the system. (Prior code § 2A-63)

13.24.600 Servicing of aircraft.

Individual aircraft owners may work on their own aircraft to the extent consistent with Part 43 of the Federal Aviation Regulations, but no tenant shall engage or hire outside help or mechanical service other than those persons specifically authorized by the manager and possessing a valid airframe and power plant license in accordance with FAR Part 43 to do such work on the airport. Any deviation from these requirements shall be approved in writing by the manager. (Prior code § 2A-64)

13.24.610 Drip pans.

Each tenant shall provide and maintain a drip pan under each and every engine of tenant's aircraft while such aircraft is in storage or being worked on. (Prior code § 2A-65)

13.24.620 Access to hangar for inspection.

Fire protection hangar maintenance and structural inspection shall be conducted on an annual basis, or as requested by the manager. Failure by the tenant to provide access to the hangar will result in termination of the lease. (Prior code § 2A-66)

13.24.630 Engine start-up.

No aircraft engines may be started or operated inside the hangars at any time, and no aircraft engine shall be run-up to high power settings in or about the T-hangar or ramp areas unless moved and turned to unobstructed and non-dust producing areas. (Prior code § 2A-67)

13.24.640 Responsibility for hangar damage.

Each T-hangar tenant shall be responsible for hangar damage caused by its tenancy other than proven vandalism. Such damage includes rough use or misuse of hangar doors. Each tenant shall be liable for damage caused to other aircraft by accidental or careless movement or operation of that tenant's vehicle or aircraft in the T-hangar or ramp areas. (Prior code § 2A-68)

13.24.650 Painting.

T-hangar and ramp area facilities shall not be used for stripping, painting, paint removal, spraying or other treatment of aircraft, vehicles or articles that might deposit foreign materials (including paint) on walls, floors or fixtures of the hangar or airport, or endanger neighboring aircraft finishes or hangar contents. (Prior code § 2A-69)

13.24.660 Storage of flammable liquids.

No storage of highly volatile liquids or explosives shall be permitted. There will be no refueling of aircraft within the hangars. (Prior code § 2A-70)

13.24.670 Unattended children.

No unattended children shall be allowed within any airport hangar, and no unescorted children shall be allowed to loiter, play on, or otherwise occupy the T-hangar or ramp areas or other aircraft parking or movement areas of the airport at any time. (Prior code § 2A-71)

13.24.680 Rental rates.

The owner or operator of aircraft using the airport shall pay the prescribed rental rate. The tie-down or parking rate shall be based on the length of the wingspan in feet, the weight of the aircraft, the number of engines, or similar measure, and shall be charged by the month, day or half-hour. The rental rate for hangar parking shall be a single monthly sum. All such rates shall be established by resolution of the city council. (Prior code § 2A-72)

Chapter 13.28 HOLLISTER MUNICIPAL AIRPORT ACCESS PERMITS

Sections:

13.28.010 Short title.

13.28.020 Purpose.

13.28.030 Definitions.

13.28.040 Access rights.

13.28.050 Airport access permit.

13.28.060 Insurance.

13.28.070 Land use control.

13.28.080 Fees.

13.28.090 Prohibited acts.

13.28.010 Short title.

The ordinance codified in this chapter shall be known as the Hollister municipal airport access ordinance. (Prior code § 2A-73)

13.28.020 Purpose.

The ordinance codified in this chapter is enacted to protect and promote the convenience, safety and welfare of the general public using the airport; to secure orderly conduct of private and public activities on and adjacent to the airport; and to establish fair and equitable standards relating to on-site and off-site airport users, thusly maximizing the benefits intrinsic to the airport. (Prior code § 2A-74)

13.28.030 Definitions.

For the purposes of this chapter, the following definitions shall apply unless otherwise specified:

"Aircraft" means a device that is used, or intended to be used, for flight in the air. It includes airplanes, helicopters, gliders and lighter-than-air devices such as blimps or balloons.

"Airport" means the Hollister municipal airport, its buildings and facilities, and all lands owned by the city contiguous to the airport, including airspace above such land, and the designated approaches thereto.

"Airport access permit" means a document issued by the city to a person granting permission to enter and use the facilities of the airport from properties adjacent to the airport.

"Air traffic" means aircraft operating in the air or on the airport surface, exclusive of loading ramps and parking areas.

"Air traffic clearance" means an authorization issued by air traffic control personnel for an aircraft to proceed under specified traffic conditions within controlled airspace.

"Applicant" means a person applying to the city for an airport access permit as to a particular site.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena, that is reported as broken, overcast, or obscuration, and is not classified thin or partial.

"City" means the city of Hollister.

"Commercial operator" means any person who, for compensation or hire, engages in the carriage of persons, property, or mail in the air, or engages in other aerial activity such as flight instruction, aerial photography, firefighting, agricultural aviation activities and traffic surveillance.

"Commercial use" means the use of the airport for revenue-producing commercial activities.

"Entry point" means the point of entry onto the airport from adjacent property.

"Landing area" means the aprons, runways, taxiways and tie-down areas of the airport.

"Maintenance" means inspection, overhaul, repair, preservation and the replacement of parts.

"Maximum gross landing weight" means the maximum landing weight stipulated for a particular aircraft by the Federal Aviation Administration (FAA).

"Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac, converted to local time.

"Person" means an individual, firm, partnership, corporation, association or governmental entity, and includes a trustee, receiver, assignee, or similar representative of any of them.

"Traffic pattern" means the traffic flow that is prescribed for aircraft landing at, or taking off from, the airport.

Word Construction. The following construction applies throughout this chapter:

1. Words importing the singular include the plural;
2. Words importing the plural include the singular; and
3. Words importing the masculine gender include the feminine.

"Zoning district" means a portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards are required and

certain height limits are established for buildings, all as set forth in the latest adopted zoning ordinance of the city. (Prior code § 2A-75)

13.28.040 Access rights.

The city may allow direct access to the airport landing area from properties located adjacent to the airport only if such properties meet the following requirements and only if an airport access permit is granted by the city:

A. The land use of said property is regulated and restricted to uses as described in Section 13.28.070, land use controls.

B. The right of access to the airport shall be granted for a specific site only. The use of the site as an airport access corridor shall void the permit.

C. Access will only be allowed for the period of time set forth in the permit. (Prior code § 2A-76)

13.28.050 Airport access permit.

An airport access permit is required for each parcel of land prior to the occupants of that parcel having the right of access to the airport. An access permit is conditional and the revoking of same cancels the right of entry both as to the land and the occupants. An access permit shall include the following:

A. A description of the parcel of land;

B. The name and address of the permittee;

C. The specific aeronautical activity or use permitted on the parcel of land by the permittee;

D. The amount of the permit fee;

E. A statement by the permittee agreeing to abide by and comply with all laws, ordinances, rules, regulations and requirements of all governmental agencies and authorities now in force, or which may hereafter be in force, pertaining to the airport. The judgment of a court of competent jurisdiction, or the admission in any action or proceeding, whether the city is a party thereto or not, of the violation of any such law, ordinance, rule, regulation or requirement shall be conclusive evidence of that fact;

F. A statement by the permittee agreeing to abide by and comply with all conditions, requirements and terms of any existing and future federal or state grant agreement pertaining to the airport;

G. The permit, and all the provisions thereof, shall be subject to whatever right the United States Government now has, or in the future may have or acquire, affecting the control, operation, regulation and taking over of the airport or the exclusive or nonexclusive use of the airport by the United States during the time of war or national emergency;

H. The failure to comply with any or all terms and conditions of the permit shall cause immediate revocation and cancellation thereof. (Prior code § 2A-77)

13.28.060 Insurance.

A permit shall not be issued until the applicant/permittee secures and delivers to the city a certificate of public liability and property damage insurance, the liability under which such policy of insurance shall be fixed, from time to time, by the city council by resolution, and a written undertaking by the insurance carrier to notify the city in writing at least thirty (30) days prior to any cancellation thereof, protecting against any liability, loss or damage incident to the use of or resulting from any accident in, on or about, or involving, the airport. (Prior code § 2A-78)

13.28.070 Land use control.

Uses of land for which a permit is issued shall be restricted to those uses permitted and defined for the zoning district applicable to the land and shall be further limited beyond the restrictions imposed by zoning regulations to aeronautical and aeronautical-related uses. Uses specifically not to be allowed are aeronautical and aeronautical-related services to the general public. Aeronautical services to the general public include, but are not limited to, sale promotions of aircraft; the sale of aircraft to the public; aircraft maintenance; aircraft parts rebuilding; aircraft electronics sales and services; aircraft pilot or navigational schools; aircraft fuel or lubricant sales; aircraft agricultural services; aircraft parking, including storage or hangar facilities; and any other activity which promotes or engages on-site public participation in an aircraft-related activity. Aeronautical activities specifically allowed include, but are not limited to, aircraft manufacturing; aircraft parts manufacturing; wholesale aircraft and parts distribution; aircraft parking and storage solely for aircraft used incidental to permitted land uses as described herein. (Prior code § 2A-79)

13.28.080 Fees.

A. A yearly base fee shall be fixed by the city council from time to time, by resolution, which shall be paid to the city by the permittee, and which fee shall be pro-rated for the year of issuance of the permit.

B. A usage fee shall be fixed by the city council from time to time, by resolution, for each permit based on the nature and extent of the usage of the airport by the permittee.

C. All fees shall be used exclusively for the management, maintenance, improvement and expansion of the airport. (Prior code § 2A-80)

13.28.090 Prohibited acts.

No person shall:

A. Violate any provision of an airport access permit;

B. Engage in aeronautical activities exceeding those provided for by the airport access permit;

C. Gain access to the airport from adjacent properties without securing an airport access permit. (Prior code § 2A-81)

ORDINANCE NO. 1032

**AN ORDINANCE OF THE CITY OF HOLLISTER
AMENDING HOLLISTER MUNICIPAL CODE
CHAPTER 13.24-HOLLISTER MUNICIPAL
AIRPORT USE AND OPERATION REGULATIONS**

THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. Code Amendment. Chapter 13.24 of the Hollister Municipal Code is amended as follows:

A. Section 13.24.030 *Definitions* is amended to add:

"FAR" or "Federal Aviation Regulations" means the Federal Aviation Regulations, Civil Aeronautics Board rules and regulations established under federal authority.

"OSHA" means the Occupational Safety and Health Agency of the State of California.

B. The first sentence of Section 13.24.600 *Servicing of aircraft* is amended in its entirety to read:

Individual aircraft owners may work on their own aircraft within a hangar or enclosed area for which they have right of possession to the extent consistent with FAR Part 43, but no owner shall engage or hire outside help or mechanical service other than those persons who are specifically authorized by the airport manager to do such work on the airport and who possess a valid airframe and power plant license in accordance with FAR Part 43.

C. Section 13. 24.660 is hereby amended to add the following phrase to the end of the sentence:

, except within a flammable cabinet that has been approved by OSHA.

Section. 2. Severability. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

Section 4. Publication. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.

INTRODUCED the 4th day of August, 2008.


PASSED AND ADOPTED at a regular meeting of the City Council of the City of Hollister held on the 18th day of August, 2008, by the following vote:

AYES: Council Members Valdivia, Johnson, Sanchez and Mayor Emerson.

NOES: None.

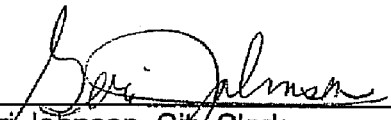
ABSENT: Council Member Pike.

ABSTAINED: None.



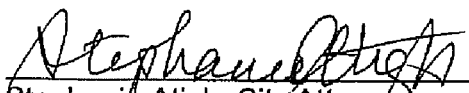
Douglas A. Emerson, Mayor

ATTEST:



Geri Johnson, City Clerk

APPROVED AS TO FORM:



Stephanie Atigh, City Attorney